

REMARKS

This Amendment is in response to the Office Action mailed on March 3, 2003. The Applicants enclose a check in the amount of \$930.00 and a Petition for Extension of Time, for a three month extension of time to and including September 3, 2003. In the event any additional fees are necessary in connection with the present Amendment, kindly charge the cost thereof to our Deposit Account No. 13-2855.

STATUS OF THE CLAIMS

Claims 1-100¹ have been cancelled and replaced with new Claims 101-127. Many of the new claims are similar to claims previously pending in the application, but with changes made to further claim the subject matter for which the Applicants are believed to be entitled to patent protection.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 10-11 and 40-41 were rejected under 35 U.S.C. § 112, fourth paragraph, for allegedly failing to limit the subject matter of the parent claim. According to the Office Action, these claims allegedly do not further limit the independent claims from which they depend. Without conceding the merits of the rejection, the Applicants now cancel claims 10, 11, 40, and 41, without prejudice.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-100 were rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Demar et al., U.S. Patent No. 6,203,429, alone or in view of Miller, U.S. Patent No. 6,322,445. While claims 1-100 have been canceled, therefore rendering moot the rejections

¹ The Applicants note that, while the first paragraph of the Office Action indicates that "claims 1-11 are pending," this is a typographical error. Prior to the filing of this Amendment, claims 1-100 were pending in the application.

thereto, the Applicants have the following comments concerning the rejections. Demar et al. disclose:

In the basic game when three bonus symbols appear in the display 12 (either on the payline or above or below the payline) the bonus game is initiated. If the three bonus symbols are on the payline, according to the described embodiment, the bonus game is initiated with all awards doubled.

Col. 6, lines 19-24. The Applicants' new Claim 101 recites, in part:

... determining whether one of a trigger symbol and a triggering combination of symbols is present along said at least one payline;

providing one of a bonus event and an option of initiating a bonus event if one of said trigger symbol and said triggering combination of symbols is present along said at least one payline;

determining whether said trigger symbol is present at a trigger site of said array, said trigger site being one of any of said image sites of said array; and

providing one of an additional bonus event and an option of initiating an additional bonus event if said trigger symbol is present at said trigger site.

New Claim 112 recites, in part:

determining whether one of a plurality of winning combinations of symbols is present in at least one selected payline within said array;

determining whether a first triggering event is present in at least one selected payline within said array; and

determining whether a second triggering event is present at a trigger site of said array, said trigger being one of any of said image sites of said array.

Thus, both of new independent claims 101 and 112 include an operation involving a determination as to whether a trigger symbol is present at a particular image site, referred to as the trigger site, within the array. Even in combination with the knowledge of a person of ordinary skill in the art concerning allowing a player to select a payline, Demar et al. fail to render obvious Claims 101 and 112, and those claims depending therefrom. Demar et al.'s disclosure of initiating a bonus game when three bonus symbols are present in the array involves a determination of whether three bonus symbols are present anywhere within the array. This fails to render obvious the claimed limitations of new claims 101 and 112.

While there is a determination in Demar et al. of whether all three bonus symbols are present on the payline, and in that event, doubling the awards during the bonus game, there is no teaching or suggestion in the reference to a person ordinarily skilled in the art of making a determination of whether a trigger symbol is present at a particular image site. The claimed determination in new Claims 101 and 112 of whether a trigger symbol, or a second triggering event, is present at a particular trigger site only requires interrogation of that one trigger site in order to reach an outcome as to that determination. All bonus-event-initiating or payout-multiplying determinations disclosed in Demar, et al., however, involve interrogation of multiple image sites within the array to reach an outcome of the determination.

According to the Office Action, "[i]t would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the deck of cards and the method of establishing a hand of cards of Miller to the game of chance of Demar in order to allow the player to play a multi-line poker game on the game of chance method of Demar." There is no teaching or suggestion in Miller of a determination involving interrogating a single trigger site to reach an outcome of the determination. As discussed above, Demar et al. also lacked any teaching or suggestion of such a determination. Thus, notwithstanding Miller's teaching of a multi-line poker game, it is respectfully submitted that the proposed combination of Demar et al. and Miller would not result in the method as claimed in new Claim 101 or 112, or the claims depending therefrom. Therefore, a prima facie case of obviousness has not been established.

In a different regard, new independent claim 123 recites, in part:

providing a bonus game on a bonus payline if said trigger event has occurred on at least one of said selected paylines, said providing said bonus game including

replacing a symbol at at least one image site of said at least one of said selected paylines with a symbol generated from a group of symbols including a plurality of symbols different from said symbols displayed on the array of

image sites and a plurality of symbols identical to said symbols displayed on the array of image sites;

determining whether at least one winning combination of symbols is present along said bonus payline; and

providing a bonus award to the player if at least one winning combination is present along said bonus payline.

New Claim 127 recites:

wherein said providing said bonus game comprises providing a draw poker game and wherein said replacing a symbol at at least one image site of said at least one of said selected paylines with a symbol generated from a group of symbols including a plurality of symbols different from said symbols displayed on the array of image sites and a plurality of symbols identical to said symbols displayed on the array of image sites comprises replacing the symbol with a symbol generated from a group of symbols corresponding to a fresh deck of cards.

The additional language of these new claims is supported by paragraph [0043] of the Specification as originally filed, and does not add any new matter.

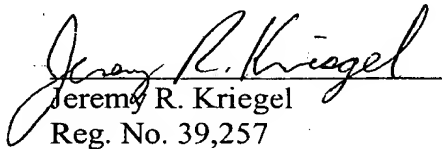
In the case of a poker-type game, which is simply one exemplary embodiment of the subject matter for which the Applicants are believed to be entitled to patent protection, the replacement of a symbol generated from a group of symbols including a plurality of symbols different from said symbols assigned to the array of image sites and a plurality of symbols identical to said symbols assigned to the array of image sites includes replacing discarded cards in a bonus game with new cards from a fresh deck. This may result in replacement cards that are identical to those that were discarded, as well as replacement cards being identical to cards still held in the player's hand on the payline of the bonus game. For instance, after the replacement cards are dealt, a player could have a hand of five-of-a-kind, even if no cards are designated as wild cards. Alternatively, a player who discards an unwanted card could, after the replacement cards are dealt, have a hand including an identical card to that which was discarded. It is respectfully submitted that there is no teaching or suggestion in Demar, et al. alone, or in combination with Miller, of the Applicants' claims

123-127, and that these claims are patentable over the prior art relied upon in the Office Action.

CONCLUSION

It is therefore respectfully submitted that all claims pending in the application are in condition for allowance. The Examiner's reconsideration and favorable action are respectfully requested.

Respectfully submitted,


Jeremy R. Kriegel
Reg. No. 39,257

Date: September 3, 2003

Marshall, Gerstein & Borun
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6357
Phone: (312) 474-6300
Fax: (312) 474-0448

VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE SPECIFICATION:**

Please replace paragraph number 0010 with the following:

[0010] In conventional "double-down stud" gaming devices and methods, as disclosed in U.S. Patents 5,820,460, 5,411,257, 5,251,897, and 5,167,413, a hand of five cards is dealt, with the faces of one or more of the cards not being shown to the player. Based on the cards that are made visible to the player and prior to making the remaining cards visible to the player, the player may choose to wager an additional amount, thereby increasing the amount of [winning} winnings that are available to the player.

Please replace paragraph number 0015 with the following:

[0015] The present invention includes a gaming method providing a primary game in conjunction with one or more bonus games, as well as apparatus for effecting the method. In the primary game, a player selects, from an array of symbols to be randomly generated, one or more paylines along which the game will be played. The array of symbols is then generated and displayed. If a trigger symbol is present along one or more of the selected paylines, one or more bonus games may be initiated. In addition, the presence of a trigger symbol in a specified location within the array, such as at the center, may cause another bonus event to occur. For example, a part of the payout or the total payout of the game may be increased as a result of the additional bonus event.

Please replace paragraph number 0024 with the following:

[0024] [FIGs.] FIG. 4 is a schematic representation of a primary game of an exemplary, poker embodiment of the method of the invention, wherein the primary game is stud poker;

Please replace paragraph number 0040 with the following:

[0040] When the primary game is stud poker, once a "hand" of cards 36' have been dealt, each selected payline 35 is examined to determine whether the combination of cards 36' thereon comprises a winning hand. For example, certain known combinations of winning cards, including, without limitation, an ordered royal flush (a type of winning poker hand unique to gaming devices), a royal flush, a straight flush, four-of-a-kind, a full house, a flush, a straight, three-of-a-kind, two pair, and certain pairs of cards, may comprise a winning hand. The amount of award provided to the player for receiving a winning hand on a particular selected payline 35 preferably corresponds to the combination of cards 36' along that selected payline 35, and may be determined by referring to a pay table [40] 39, such as that depicted in FIG. 4, suitable for the type of primary game being played.

Please replace paragraph number 0043 with the following:

[0043] When play proceeds to a bonus round, as shown in FIG. 5, a bonus game is played. In the example depicted in FIG. 5, the bonus game is draw poker, with cards 36' of the original, dealt draw poker hand on bonus payline [38] 38' being the same cards 36' as those that were present in a corresponding selected payline 35 from the primary game. As shown in FIGs. 5 and 6, the player may then decide which cards 36H' to hold, while discarding the remaining cards 36D', which may then be randomly replaced with other, previously undealt cards 36R' from the same deck or from a "fresh" deck which may include the same number and types of cards 36' as the deck [use] used in the primary game. Again, the amount of the award or award increase provided to the player based on the results of each bonus game may correspond to the final combination of cards 36' present in the bonus game, and may be determined by referring to a pay table [40] 39 associated with the type of bonus game being played. The same or different pay tables [40] 39 may be used for the primary and bonus games.

Please replace paragraph number 0048 with the following:

[0048] An example of an electronic gaming device 40 in which the poker embodiment of the method of the present invention may be effected is illustrated in FIG. 7. Gaming device 40 includes one or more processors 42 under control of programming (e.g., software or firmware) that effects the method disclosed herein with reference to FIGs. 4-6. While a single processor 42 may be used in gaming device 40, different processors 42 may be used, for example, to effect the primary game and the bonus game. Each processor 42 communicates, as known in the art, by way of signals transported along carrier waves, with memory 43 of a known type, including read-only memory (ROM), random access memory (RAM), a hard drive, or CD-ROM, a display 44 of a known type (e.g., a cathode ray tube (CRT) monitor, a plasma monitor, a liquid crystal display, or other flat panel display, etc.), input elements 46 of a known type, such as the illustrated buttons or touch-sensitive locations on display 44, as well as with other known types of output devices, such as sirens, bells, whistles, other alarms, and audio devices. Data are input into and output from each processor 42 of gaming device 40 in accordance with the method of the present invention. Of course, gaming device 40 may also include one or more wagering input components 48 of known types, such as a currency receptacle, a credit or debit card reader, or a smart card reader, to permit a player to wager money on the games being played, as well as one or more payout components 49, as known in the art. The various elements of gaming device 40 and their association with each processor 42 and with one another are well known in the art.

Please replace paragraph number 0059 with the following:

[0059] The programming that controls processor 52 causes various logic circuits or groups of logic circuits of processor 52 to execute various functions, or elements of the inventive method. In the exemplary reel type embodiment of the inventive method, which is described herein with reference to FIGs. 8 and 9, one logic circuit of processor 52 (FIG. 10) may identify selected paylines 35" as a wager of the money credits or tournament points indicated by memory 53 (FIG. 7) to be available is placed thereon. Another logic circuit may randomly

assign symbols 36" of a predetermined set to image sites 32" of array 30" or cause adjacent reels with series of symbols 36" thereon to spin and stop in random positions, with the shown, adjacent symbols 36" of each reel forming a column of symbols 36" of array 30". Yet another logic circuit of processor 52 may determine whether a winning combination of symbols 36" is present along any selected payline 35" and, if so, determine the corresponding award, while another logic circuit may cause the amount of credit stored in memory 53 to be increased accordingly. Still another logic circuit may determine whether a bonus triggering event has occurred, either in or along a selected payline 35" or at a trigger site 32T". Logic circuits of processor 52, under control of appropriate programming, may also effect the appropriate bonus events, including both bonus games and increases in awards, as well as other elements of the inventive methods.

Please replace paragraph number 0060 with the following:

[0060] The apparatus illustrated in FIGs. 7 and 10 may comprise stand-alone gaming devices 40, 50 or stand-alone computers, or may (see FIG. 11) be networked to a central computer 60 (e.g., a server or game controlling computer) of a casino, or directly to other gaming devices 40, 50, by way of a network card 61 and appropriate links 62 therefor (i.e., a local area network (LAN)), by use of a modem or other communication component 63 that facilitates the use of broadband telecommunications between gaming devices 40, 50 or of gaming devices 40, 50 with a central computer 60 (i.e., a wide area network (WAN) or the World-Wide Web (WWW)), or otherwise, as known in the art. Accordingly, gaming devices 40, 50 may be linked to a central computer 60 and/or other gaming devices 40, 50 that are located at the same site or at remote sites (e.g., in other casinos or even other geographic locations). Exemplary ways in which gaming devices 40, 50 may be linked to one another are described in co-pending U.S. Application Ser. No. 09/675,829, filed on September 29, 2000 (which discloses linking gaming devices for the purpose of tournament play), and in U.S. Patent 6,039,648, the disclosures of each of which are hereby incorporated in their entireties by this reference.

IN THE CLAIMS:

A marked-up version of each of the presently amended claims, highlighting the changes thereto, follows:

9. (amended) The gaming method of claim 1, wherein said determining whether said triggering event is present comprises determining whether a predetermined or preselected trigger symbol is present at [a] said predetermined or [preselected] prespecified trigger [location] site.

19. (amended) The gaming method of claim 1, wherein said determining whether one of said plurality of winning combinations of symbols is present comprises determining whether one of [a] said plurality of winning combinations of symbols is present in at least one payline selected in response to placement of a wager thereon.

38. (amended) The gaming method of claim 20, wherein said determining whether one of said plurality of winning combinations of symbols is present comprises determining whether one of [a] said plurality of winning combinations of symbols is present in at least one payline selected in response to placement of a wager thereon.

39. (amended) A gaming method, comprising:
randomly assigning symbols from a predetermined set for use with a game of a first type to an array of image sites in a primary game;
determining whether one of a plurality of winning combinations of symbols is present in at least one selected payline across said array and, if so, making an award available for said primary game; and

determining whether a triggering event is present in at least one selected payline within said array and, if so, at least providing a player with an option to proceed to a bonus game similar in type to said primary game.

44. (amended) The gaming method of claim 43, wherein said assigning symbols comprises:

assigning symbols from a corresponding selected payline to said image symbols of said bonus payline;

permitting [a] the player to select at least one image location at which a corresponding symbol is to be held; and

replacing said symbol at each unselected image location of said bonus payline with a randomly selected symbol.

50. A gaming device, comprising:
at least one processor including:

a first logic circuit configured to, in a primary game, randomly assign symbols from a predetermined set to a plurality of image sites of an array;

a second logic circuit configured to identify at least one selected payline;

a third logic circuit configured to evaluate whether a winning combination of symbols exists upon said at least one selected payline;

a fourth logic circuit configured to evaluate whether a first trigger event has occurred along at least one selected payline; and

a fifth logic circuit configured to evaluate whether a second trigger event has occurred at a predetermined or preselected trigger site of said array;

memory associated with said at least one processor;

at least one input element in communication with said at least one processor; and

a display in communication with said at least one processor.

55. (amended) The gaming device of claim 50, wherein said winning combination of symbols comprises at least a predetermined number of like symbols or a combination of like symbols and wild symbols.

63. (amended) The gaming device of claim 50, wherein, following or concurrently with operation of said first logic circuit, said at least one processor is programmed to cause said display, by way of signals transported along carrier waves, to show said array, including symbols at their respective, assigned image sites of said plurality of image sites.

64. (amended) The gaming device of claim 63, wherein, following or concurrently with operation of said fourth logic circuit, if said first trigger event has occurred, said at least one processor is programmed to cause said display to depict [said] a bonus game.

71. (amended) The gaming device of claim 66, wherein said winning combination of symbols comprises at least a predetermined number of like symbols or a combination of like symbols and wild symbols.

74. (amended) The gaming device of claim 66, further comprising a sixth logic circuit configured to evaluate whether another trigger event has occurred at a predetermined or preselected trigger site of said [array] plurality of image sites

78. (amended) The gaming device of claim 66, wherein, following or concurrently with operation of said first logic circuit, said at least one processor is programmed to cause said display, by way of signals transported along carrier waves, to show said [array] plurality of image sites, including symbols at their respective, assigned image sites of said plurality of image sites.

79. (amended) The gaming device of claim 78, wherein, following or concurrently with operation of said fourth logic circuit, if said [first] trigger event has occurred, said at least one processor is programmed to cause said display to depict said [a] bonus game.

81. (amended) A gaming device, comprising:
at least one processor programmed to:
randomly assign symbols from a predetermined set to a plurality of image sites;
identify at least one selected payline;
evaluate whether a winning combination of symbols exists upon said at least one selected payline;
evaluate whether a trigger event has occurred along at least one selected payline; and
initiate a bonus game of [said] a first type if said trigger event has occurred;
memory associated with said at least one processor;
at least one input element in communication with said at least one processor; and
a display in communication with said at least one processor.

86. (amended) The gaming device of claim 81, wherein said winning combination of symbols comprises at least a predetermined number of like symbols or a combination of like symbols and wild symbols.

89. (amended) The gaming device of claim 81, wherein said at least one processor is further programmed to evaluate whether another trigger event has occurred at a predetermined or preselected trigger site of said [array] plurality of image sites.

93. (amended) The gaming device of claim 81, wherein, following or concurrently with operation of said [first logic circuits] at least one processor to randomly assign symbols, said at least one processor is programmed to cause said display, by way of signals transported

along carrier waves, to show said [array] plurality of image sites, including symbols at their respective, assigned image sites of said plurality of image sites.

94. (amended) The gaming device of claim 93, wherein, following or concurrently with operation of said [fourth logic circuit] at least one processor to evaluate whether said trigger event occurred, if said [first] trigger event has occurred, said at least one processor is programmed to cause said display to depict said [a] bonus game.

96. (amended) A gaming method, comprising:
responsive to placement of a wager, initiating a primary game by allowing a player to select at least one selected payline from a plurality of available paylines of an array of image sites; randomly assigning symbols to said array of image sites;
evaluating each selected payline to determine whether at least one winning combination of symbols is present thereon and, if at least one winning combination is present on a selected payline, providing an award to the player;
evaluating each selected payline to determine whether a trigger event has occurred;
for each selected payline on which a trigger event has occurred, initiating a bonus game on a bonus payline, said bonus game including [altering] replacing a symbol at at least one image site of said selected payline; and
evaluating said bonus payline to determine whether at least one winning combination of symbols is present thereon and, if at least one winning combination is present on said bonus payline, providing a bonus award to the player.

09/754,450 "041601